

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6689 of 1998

AND

SPECIAL CIVIL APPLICATION No 6690 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

JABBARALI MITHAMIYA SAIYED

Versus

R S YADAV

Appearance:

MR DR BHATT for Petitioner

MR VB GHARANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/07/1999

ORAL JUDGEMENT

#. These two petitions are filed by the employees of the Police Department and they are challenging the order of the respondent No.1 under which they were placed under

suspension. In the special civil application No.6690/98, the petitioner has even not produced on the record thereof the order of the suspension. He has only produced clipping of the newspaper wherein there is a news of placing him under suspension by the District S.P. The learned counsel for the petitioner raised manifold contentions challenging the order of the suspension of the petitioners but the order of suspension cannot be said to be passed malafidely by the officer concerned. It is a case where in the criminal case the court found something serious against the petitioners and had given directions to hold the departmental inquiry against them.

#. The learned counsel for the petitioners does not dispute that the charge sheets have already served upon the petitioners but, inquiry has not been completed.

#. The petitioners are under suspension for last one year and they cannot be kept under suspension indefinitely by the respondent without completing inquiry. The departmental inquiry has to be completed within reasonable time. Otherwise also keeping the employee under suspension for long period is not in the interest of both the disciplinary authority and the delinquent employee. In case he has to be dismissed from the services for his alleged misconduct then it is unnecessary burden on the public exchequer. Where the petitioner is to be exonerated of the charges then it is a case where he has to suffer bad reputation in the society for a long time.

#. In the result, though I do not find it to be a case where the interference with the impugned order of the respondents is required to be made but, the respondents are directed to complete the inquiry against the petitioners within a period of 4 months from the date of the receipt of the writ of this order.

In the result these special civil applications are dismissed. However, liberty is granted to the petitioners for revival of these special civil applications in case the inquiry against them and/or either of them is not completed within 4 months. Rule discharged. No order as to costs.

(S.K.Keshote, J.)

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